UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,017	02/28/2002	Pawan Chaturvedi	1814	1162

28005	7590	03/08/2006	EXAMINER

SPRINT
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

BOAKYE, ALEXANDER O

ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/086,017	CHATURVEDI ET AL.
Office Action Summary	Examiner	Art Unit	
	ALEXANDER BOAKYE	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 February 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-37</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date <u>02/28/02</u>.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Double Patenting

1.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.3d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claim 1 of copending Application

No.09/893,137. Although the conflicting claims are not identical, they are not patentably

distinct from each other because both applications recite (a) receiving a request to

establish a circuit-data session between a user terminal and a specified destination; (b)

responsively setting up a packet-data session between the user terminal and a

translation node to set up a circuit-data session with the specified destination and to

bridge the packet-data session with the circuit-data session with the only difference between the claim 1 of the instant application and claim 1of copending application being that claim 1 of the instant application recites that translation node is programmed while claim 1 of the copending application does not anticipate such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to implement the instant application using programmed translation node in order to provide program instructions. This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 6-11 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2-7 of copending Application No.09/893,137. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite (a) receiving a request to establish a circuit-data session between a user terminal and a specified destination; responsively setting up a packet-data session between the user terminal and a translation node to set up a circuit-data session with the specified destination and to bridge the packet-data session with the circuit-data session with the only difference between the claims 6-11 of the instant application and claims 2-7 of copending application being that claims 6-11 of the instant application recite selecting the translation nodes from the multiple translation nodes based on the specified destination while claims 2-7 of the copending application do not anticipate such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to implement the instant application using selecting node to select destination address to send a packet.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 12 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 12 of copending Application No.09/893,137. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite (a) receiving a request to establish a circuit-data session between a user terminal and a specified destination; responsively (i) setting up a packet-data session between the user terminal and a translation node, (ii) setting up a circuit-data session between the translation node and the specified destination, and (ii) bridging the packet-data session with the circuit-data session with the only difference between the claim 12 of the instant application and claim 12 of copending application being that claim 12 claim of the instant application recites that translation node is programmed while claim 12 of the copending application does not anticipate such limitation. Therefore, it would have been obvious to one of ordinary skill in the art to implement the instant application using programmed translation node in order to provide program instructions. This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 20-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13-17 of copending Application No.09/893,137. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications recite

receiving into a user terminal a request to establish a dial-up session between the user

terminal and a dial-up data server, the dial-up data session defining data to be

communicated between the user terminal and the dial-up data server; packetizing

outgoing data at the user terminal, to produce outgoing packetized data; transmitting the

outgoing data from the user terminal with the only difference between the claims 20-24

of the instant application and claims 13-17 of copending application being that claims

20-24 of the instant application recites selecting a remote gateway while claims 13-17

the copending application do not anticipate such limitation. Therefore, it would have

been obvious to one of ordinary skill in the art to implement the instant application using

remote gateway with the motivation being that it provides capability for the system to

translate between protocols. This is a provisional obviousness-type double patenting

rejection because the conflicting claims have not in fact been patented.

Claim 25 is provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claim 20 of copending Application

No.09/893,137. Although the conflicting claims are not identical, they are not patentably

distinct from each other because both applications recite placing a circuit-switched call

from the remote gateway to the telephone number of the dial-up data server with the

only difference between the claim 25 of the instant application and claim 20 of

copending application being that claim 25 of the instant application recites selecting a

remote gateway while claim 20 of the copending application does not anticipate such

limitation. Therefore, it would have been obvious to one of ordinary skill in the art to

implement the instant application using selecting remote gateway in order to be able to

translate between protocols. This is a <u>provisional</u> obviousness-type double patenting

rejection because the conflicting claims have not in fact been patented.

Claim 26 is provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claim 21 of copending Application

No.09/893,137. Although the conflicting claims are not identical, they are not patentably

distinct from each other because both applications recite sending the telephone number

from the user terminal to the local gateway only difference between the claim 26 of the

instant application and claim 21 of copending application being that claim 26 of the

instant application recites selecting a remote gateway while claim 20 of the copending

application does not anticipate such limitation. Therefore, it would have been obvious to

one of ordinary skill in the art to implement the instant application using selecting

remote gateway in order to be able to translate between protocols. This is a <u>provisional</u>

obviousness-type double patenting rejection because the conflicting claims have not in

fact been patented.

Claim 28 is provisionally rejected on the ground of nonstatutory obviousness-

type double patenting as being unpatentable over claim 22 of copending Application

No.09/893,137. Although the conflicting claims are not identical, they are not patentably

distinct from each other because both applications recite request to establish a dial-up

data session between the user terminal and a dial-up data server defines user-account

information with the only difference between the claim 28 of the instant application and

claim 22 of copending application being that claim 28 of the instant application recites

sending the user-account information from the user terminal to the translation node

while claim 22 of the copending application recites sending the user-account information

from the user terminal to the translation node. Therefore, it would have been obvious to

one of ordinary skill in the art to implement the instant application using selecting

remote gateway in order to be able to translate between protocols. This is a provisional

obviousness-type double patenting rejection because the conflicting claims have not in

fact been patented.

Claim 29 is provisionally rejected on the ground of nonstatutory obviousness-

type double patenting as being unpatentable over claim 23 of copending Application

No.09/893,137. Although the conflicting claims are not identical, they are not patentably

distinct from each other because both applications recite that the user-account

information comprises a user and a password with the only difference between the

claim 29 of the instant application and claim 23 of copending application being that

claim 29 of the instant application recites selecting a remote gateway while claim 23 of

the copending application does not anticipates such limitation. Therefore, it would have

been obvious to one of ordinary skill in the art to implement the instant application using

selecting remote gateway in order to be able to translate between protocols. This is a

provisional obviousness-type double patenting rejection because the conflicting claims

have not in fact been patented.

Claims 30-36 are provisionally rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 29-35 of

copending Application No.09/893,137. Although the conflicting claims are not identical,

they are not patentably distinct from each other because both applications recite

receiving user request at the user terminal with the only difference between the claims

30-36 of the instant application and claims 29-35 of copending application being that

claims 30-36 of the instant application recites selecting an intermediate packet-

terminated destination based on proximity of the intermediate packet-terminated

destination to the circuit-terminated destination while claims 29-35 of the copending

application do not anticipates such limitation. Therefore, it would have been obvious to

one of ordinary skill in the art to implement the instant application using selecting

intermediate-terminated destination in order to be able to transmit voice data. This is a

provisional obviousness-type double patenting rejection because the conflicting claims

have not in fact been patented.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 13-19, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated

by McConnell et al. (US Patent # 6,944,150).

Regarding claim 1, MacConnell teaches a method comprising: (a) receiving a

request to establish a circuit-data session between a user terminal and a specified

destination (column 8, lines 26-32; the claimed user terminal is 52 of Fig. 2) and (b)

responsively setting up a packet-data session between the user terminal and a

translation node (column 7, lines 58-67; 70 of Fig. 2 correspond to the claimed

translation node), wherein the translation node is programmed to set up a circuit-data

session with the specified destination and to bridge the packet-data session with the

circuit-data session (column 10, lines 9-25 ; the translation node corresponds to 70 of

Fig. 2).

Regarding claim 13, McConnell teaches (a) receiving a request to establish a

circuit-data session between a user terminal and a specified destination (column 8, lines

26-32) (b) responsively (i) setting up a packet-data session between the user terminal

and a translation node (column 10, lines 9-25), (ii) setting up a circuit-data session

between the translation node and the specified destination (column 8, lines 26-32), and

(iii) bridging the packet-data session with the circuit-data session (PDSN ,122 of Fig. 3

bridges packet network with PSTN), wherein setting up the packet-data session

between the user terminal and the translation node comprises (i) setting up a first

packet-data session between the user terminal and a local gateway (column 10,lines 9-

25) , (ii) setting up a second packet-data session between the local gateway and the

translation node (column 10, lines 9-25), and (iii) bridging the first packet-data session

with the second packet-data session (PDSN 122 of Fig. 3 bridges 104 and 102 of Fig. 3)

, whereby packets then flow between the user terminal and the translation node via the local gateway (the claimed local gateway reads on PSTN Gateway of Fig. 3).

Regarding claim 14, McConnell teaches that the translation node is one of multiple translation nodes disposed throughout a packet-switched network, wherein the specified destination defines a destination network address, and wherein setting up the packet-data session between the user terminal and the translation node comprises selecting translation node from among the multiple translation nodes, based on the destination network address.

Regarding claim 15, McConnell teaches that the translation node defines a translation node network address, and wherein selecting the translation node from among the many translation nodes, based on the destination network address, comprises determining the translation node network address based on the destination network address .

Regarding claims 16 and 17, McConnell teaches that the destination network address comprises a PSTN telephone number, and wherein the translation node network address comprises an IP address (column 21, lines 18-25; the claimed PSTN phone number is inherent in the PSTN telephone calls).

Regarding claim 18, McConnell teaches that determining the translation node network address based on the destination network address comprises: providing to a network server an indication of the destination network address; and thereafter receiving from the network server an indication of the translation node network address (column 17, lines 13-20).

Regarding claim 19, McConnell teaches that the network server comprises an

Authentication, Authorization and Accounting server, wherein the destination network

address comprises NPA-NXX information (column 7,lines 21-28 ; the claimed NPA-

NXX information is inherent in destination network address of McConnell).

Regarding claim 37, McConnell teaches a mobile user terminal programmed to

respond to a request to establish a dial-up data session with a designated endpoint by

instead initiating a first packet-data session with a packet gateway, wherein the packet

gateway passes packet-data between the mobile user terminal and a local server

(column 13, lines 16-26); the local server being programmed to query an authentication

server to identify a remote server that serves the designated endpoint, and the local

server being further programmed to then establish a second packet-data session with

the remote server (the session manager corresponding to local server is programmed to

establish packet session), wherein the local server passes the packet-data between the

gateway and the remote server (see Fig. 2); and the remote server being programmed

to initiate a circuit-data session with the designated endpoint, to translate the packet-

data into circuit-data, and to send the circuit-data to the designated endpoint in the

circuit-data session (column 13, lines 16-26).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McConnell et al. (US Patent # 6,944,150) in view of Elliott et al. (US Patent #

6,614,781).

Regarding claims 2, 4 and 5, McConnell teaches receiving a request to establish

a circuit-data session between a user terminal (column 8, lines 26-32) and (a) a

specified destination (location server 78 of Fig. 2); (b) responsively (i) setting up a

packet-data session between the user terminal and a translation node (column 10, lines

9-25) , (ii) setting up a circuit-data session between the translation node and the

specified destination (column 8, lines 26-32), and (iii) bridging the packet-data session

with the circuit-data session (column 10, lines 9-25; PDSN bridges packet network with

PSTN) herein the translation node is one of multiple translation nodes disposed

throughout a packet-switched network. McConnell does not disclose selecting the

translation node.   However, Elliott with the same field of endeavor teaches selection the

translation node (see Table 14 of Howard). One of ordinary skill in the art would have

been motivated to incorporate selection the translation node into the communication

network in order to be able transmit packet to right destination. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to incorporate selecting of the translation node such as the one taught by Elliott into

the communication network of McConnell with the motivation being that it provides

capability for the system to select destination address to transmit packets.

Regarding claim 3, McConnell teaches that setting up a packet-data

session between the user terminal and the translation node comprises (i) setting up a

first packet-data session between the user terminal and a local gateway (column 10,

lines 9-25) (ii) setting up a second packet-data session between the local gateway and

the translation node (column 10, lines 9-25), and (iii) bridging together the first packet-

data session and the second-packet data session, whereby packets then flow between

the user terminal and the translation node via the local gateway (WAG, Fig. 2 reads on

bridging packet network and PSTN).

Regarding claim 6, McConnell teaches, that receiving the request comprises

receiving the request at the user terminal (column 10, lines 9-20).

Regarding claim 7, McConnell teaches communicating the telephone number to

the translation node, wherein, setting up the circuit-data session between the translation

node and the specified destination comprises the translation node placing a circuit-

switched call to the telephone number (column 8, lines 26-32).

Regarding claim 8, McConnell teaches communicating the user-account

information to the translation node (column 7, lines 21-28); communicating the user-

account information from the translation node to the specified destination (column 7,

lines 21-28).

Regarding claim 9, McConnell teaches that the user terminal comprises a mobile

station 12 of Fig. 3) , and the specified destination comprises a dial-up server (122 of

Fig. 3).

Regarding claim 10, McConnell teaches that setting up the packet-data session between the user terminal and the translation node comprises setting up the packet-data session over a communication path comprising an air interface (column 12, lines 16-21).

Regarding claim 11, McConnell teaches that setting up the packet-data session between the user terminal and the translation node comprises the user terminal sending an origination message over the air interface to a radio access system, the origination message including a packet-data service code (column 12, lines 16-31).

Regarding claim 12, McConnell teaches performing step (b) transparently to the user (52 of Fig. 2).

4.   Claim 20-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell et al. (US Patent # 6,944,150) in view of Howard et al. (US Patent # 6,529,513)..

Regarding claim 20, McConnell teaches receiving into a user terminal a request to establish a dial-up data session between the user terminal and a dial-up data server, the dial-up data session defining data to be communicated between the user terminal and the dial-up data server(column 10, lines 9-16); packetizing outgoing data at the user terminal, to produce outgoing packetized data (column 8, lines 26-29) ; transmitting the outgoing packetized data from the user terminal to a local gateway (column 8, lines 29-30) ; transmitting the outgoing packetized data from the local gateway to the remote gateway (column 8, lines 63-65); placing a circuit-switched call from the remote

gateway to the dial-up data server (see Fig. ; translating the outgoing packetized data

into an outgoing dial-up data stream at the remote gateway; and in the call, sending the

outgoing dial-up data stream from the remote gateway to the dial-up data server.

McConnell does not disclose selecting a remote gateway based on the proximity of the

remote gateway to dial-up data server. However, Howard from the same field of

endeavor teaches disclose selecting a remote gateway based on the proximity of the

remote gateway to the dial-up server (column 3, lines 35-37).

One of ordinary skill in the art would have been motivated to incorporate

selecting remote gateway based on the proximity of the remote gateway into

communication network in order to prove translation of protocols between circuit and

packet networks. Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to incorporate selecting remote gateway such as the

one taught by Howard into the communication network of McConnell with the motivation

being that it provides capability for the system to translate between protocols.

Regarding claim 21, McConnell teaches that the outgoing packetized data

comprises a sequence of packets and the dial-up data stream comprises a digital bit

stream, and wherein translating the outgoing packetized data into an outgoing dial-up

data stream comprises: embedding the packets in the digital stream (column 7, lines 12-

21).

Regarding claim 22, McConnell teaches that the outgoing packetized data

comprises a sequence of packets, each including a header and payload, wherein the

dial-up data stream comprises a digital bit stream, and wherein translating the outgoing

packetized data into an outgoing dial-up data stream comprises: depacketizing the

packets to uncover the payload of each packet (column 9, lines 50-58 ; column 24, lines

29-31); and including the payload of the packets in the digital bit stream (column 9, lines

1-20).

Regarding claim 23, McConnell teaches in the call, receiving an incoming dial-up

data stream at the remote gateway from the dial-up data server (column 8, lines 26-32) ;

packetizing the incoming dial-up data stream at the remote gateway, to produce

incoming transmitting the incoming packetized data from the remote gateway to the

local gateway packetized data (column 8, lines 63-65); and, in turn, to the user terminal

(column 8, lines 63-65) ; and depacketizing the incoming packetized data at the user

terminal (column 24, lines 1-20).

Regarding claim 24, McConnell teaches that transmitting the incoming

packetized data from the remote gateway to the local gateway and, in turn, to the user

terminal comprises: transmitting the incoming packetized data through a home agent of

the user terminal (column 8, lines 63-67).

Regarding claim 25, McConnell teaches placing a circuit-switched call from the

remote gateway to the telephone number of the dial-up server (column 16, lines 14-23).

Regarding claim 26, McConnell teaches sending the telephone number from the

user terminal to the local gateway (column 16, lines 14-23); and sending the telephone

number from the local gateway to the remote gateway (the claimed phone number is

contained in the PSTN phone calls).

Regarding claim 27,McConnell teaches establishing a Telnet session between

the local gateway and the remote gateway, wherein sending the telephone number from

the local gateway to the remote gateway comprises sending the telephone number as

Telnet authentication information from the local gateway to the remote gateway (column

7, lines 21-28).

Regarding claim 28, McConnell teaches sending the user-account information

from the user terminal to the remote gateway (user account information is contained in

AAA server 142 of Fig. 3); and in the call, sending the user-account information from the

remote gateway to the dial-up data server (see Fig. 3).

Regarding claim 29, McConnell teaches that the user-account

information comprises a username and a password (the claimed user-account

information is contained AAA server 142 of Fig. 3 and the claimed username and

password are inherent in the AAA server).

Regarding claim 30 McConnel teaches receiving a user request to establish a

communication session from a user terminal to a specified circuit-terminated destination

and in response to the user request (column 8, lines 26-32); (ii) setting up a first session

from the user terminal to the intermediate packet-terminated destination via a

communication path including the access link, so that the first session is carried over

the access link at the first service level (column 17, lines 13-27, (iii) setting up a second

session from the intermediate packet-terminated destination to the specified circuit-

terminated destination (column 10, lines 9-25; column 8, lines 26-32) , and (iv) bridging

the first session with the second session to produce an end-to-end session from the

user terminal to the specified destination (PDSN 122 of Fig. 3 bridges 104 and 012; the

claimed end terminal is 138 of Fig. 3). McConnell does not explicitly disclose selecting

an intermediate packet-terminated destination. However, Howard from the same field of

endeavor teaches selecting an intermediate packet-terminated destination (column 3,

lines 35-38). One of ordinary skill in the art would have been motivated to incorporate

selecting an intermediate packet-terminated destination into the communication network

in order to be able to transmit packet to right destination. Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to

incorporate selecting an intermediate packet-terminated destination into the

communication network of McConnell with the motivation being that it provides

capability for the system to transmit packets to correct destination.

Regarding claim 31, McConnell teaches that access link comprises an air

interface (column 7, line 54; see 54 of Fig. 2).

Regarding claim 32, McConnell teaches that the user terminal comprises a

mobile station and the access node comprises a base station (52 is the claimed user

terminal comprises a mobile station MS and access node comprises a base station 56

of Fig. 2).

Regarding claim 33 McConnell teaches that the user terminal further comprises a

host device linked with the mobile station (host device and mobile station are inherent in

the user terminal of Fig. 2).

Regarding claim 34 McConnell teaches that, wherein the first service level

comprises a first data rate for communication over the access link, and the second

service level comprises a second data rate for communication over the access link, the

first data rate being higher than the second data rate (packet data is being higher than voice data)

Regarding claim 35, McConnell teaches that the user request to establish a communication session from a user terminal to the specified circuit-terminated destination comprises a request to establish a dial-up data connection from the user terminal to a telephone number of the specified circuit-terminated destination (column 66 of Fig. 2).
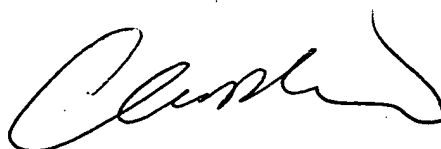
Regarding claim 36, McConnell teaches receiving the user request at the user Terminal (column 10, lines 12-15).

Conclusion

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183.   The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The central Fax number is (571) 273-8300. Any inquiry of general nature or relating to the status of this application or proceeding should be directed to Electronic Business Center numbers 866-217-9197 and 703-305-3028.

Alexander Boakye
AB
Patent Examiner

CHI PHAM
SUPERVISORY PATENT EXAMINER
3/6/06